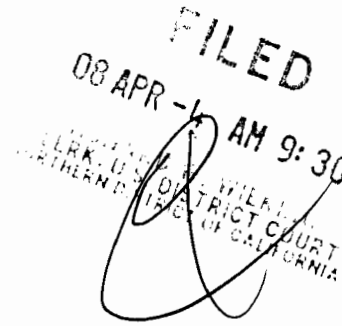


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Attorney for Plaintiff



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

E. K. Wade

Plaintiff,

vs.

Elaine Chao, Secretary of Labor,

Defendants.

Case No.: C 08-0021 JSW

Request for Entry of Default

DEMAND FOR JURY TRIAL

TO HONORABLE JEFFREY S. WHITE:

Plaintiff declares that Defendant Elaine Chao was served with a Verified Complaint on **January 3, 2008**; and a subsequent Amended Verified Complaint (C 08-0001 JSW). Subsequently, this Court granted Defendant's motion to consolidate both cases; and further allowed Defendant to file its answer to Plaintiff's claims on or about **March 20, 2008**. On or about **March 20, 2008**, Defendant answered by motioning to dismiss claims 7 and 8 of Plaintiff's new case (C 08-0021 JSW), but failed to answer with respects to claims 1 through 6, with no explanation whatsoever.

1 Defendant has not filed a written response to this complaint within the appropriate
2 amount of time, pursuant to **Rule 15(a) of the Federal Rules of Civil Procedure**. The
3 Federal Rules of Civil Procedure require defendants to answer a complaint within
4 twenty (20) days from the date being served with the summons and complaint, or if
5 service of the summons was timely waived, within sixty (60) days after the date when
6 the request for waiver was sent. Fed.R.Civ.P. 12(a) If a defendant fails to respond
7 within that time, a default judgment may be entered. Benny v. Pipes, 799 F.2d 489, 492
8 (9th Cir. 1986) 484 U.S. 870. Here, Plaintiff argues that Defendant Elaine Chao failed to
9 respond to the summons and complaint in a timely fashion and he humbly submits this
10 Request for Entry of Default.
11

12 Respectfully submitted.

13
14 Dated this 4th day of April 2008

15
16 

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ADRMOP, CONSOL, E-Filing, ProSe

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:08-cv-00021-JSW
Internal Use Only**

Wade v. Chao
Assigned to: Hon. Jeffrey S. White
Lead case: 3:08-cv-00001-JSW
Member case:
3:08-cv-00021-JSW

Date Filed: 01/04/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government
Defendant

Cause: 42:1983 Civil Rights (Employment Discrimination)

Plaintiff**E. K. Wade**

represented by **E. K. Wade**
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Walnut Creek, CA 94597
925 323-1578
PRO SE

V.

Defendant**Secretary of Labor Elaine Chao**

represented by **Melissa K. Brown**
United States Attorney's Office
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Box 36055
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Fax: 415-436-6927
Email: melissa.k.brown@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/03/2008	1	COMPLAINT /issued summons against Elaine Chao (Filing fee \$ 350, receipt number 34611014090.). Filed by E. K. Wade. (ga, COURT STAFF) (Filed on 1/3/2008) (Entered: 01/04/2008)
01/03/2008	2	CONSENT to Proceed Before a US Magistrate Judge by E. K. Wade.. (ga, COURT STAFF) (Filed on 1/3/2008) (ga, COURT STAFF). (Entered: 01/04/2008)

01/03/2008	<u>3</u>	ADR SCHEDULING ORDER: Case Management Conference set for 4/10/2008 10:00 AM. Case Management Statement due by 4/3/2008.. Signed by Judge Maria-Elena James on 1/3/08. (Attachments: # <u>1</u> Judge Standing Order, # <u>2</u> Court Standing Order, # <u>3</u> Consent/Decline Form) (ga, COURT STAFF) (Filed on 1/3/2008) (Entered: 01/04/2008)
01/03/2008	<u>1</u>	CASE DESIGNATED for Electronic Filing. (ga, COURT STAFF) (Filed on 1/3/2008) (Entered: 01/04/2008)
01/04/2008	<u>4</u>	CERTIFICATE OF SERVICE by E. K. Wade re <u>1</u> Complaint, <u>3</u> ADR Scheduling Order, (ga, COURT STAFF) (Filed on 1/4/2008) (Entered: 01/09/2008)
01/14/2008	<u>5</u>	NOTICE OF UNAVAILABILITY by E. K. Wade (ga, COURT STAFF) (Filed on 1/14/2008) (Entered: 01/17/2008)
01/17/2008	<u>6</u>	AMENDED NOTICE OF UNAVAILABILITY by E. K. Wade (ga, COURT STAFF) (Filed on 1/17/2008) (Entered: 01/17/2008)
02/04/2008	<u>7</u>	MOTION to Consolidate Cases and <i>[Proposed] Order</i> filed by Elaine Chao. (Brown, Melissa) (Filed on 2/4/2008) (Entered: 02/04/2008)
02/04/2008	<u>10</u>	Declination to Proceed Before a U.S. Magistrate Judge ; Demand for Jury Trial by E. K. Wade. (mcl, COURT STAFF) (Filed on 2/4/2008) (Entered: 02/08/2008)
02/04/2008	<u>11</u>	MOTION for Summary Judgment, or in the alternative, Summary Adjudication of Issues filed by E. K. Wade. (mcl, COURT STAFF) (Filed on 2/4/2008) (Entered: 02/08/2008)
02/04/2008	<u>12</u>	Declaration of E.K. Wade in Support of <u>11</u> MOTION for Summary Judgment filed by E. K. Wade. (Related document(s) <u>11</u>) (mcl, COURT STAFF) (Filed on 2/4/2008) (Entered: 02/08/2008)
02/04/2008	<u>13</u>	UNDISPUTED FACTS and Supporting Evidence re <u>11</u> MOTION for Summary Judgment filed by E. K. Wade. (Related document(s) <u>11</u>) (mcl, COURT STAFF) (Filed on 2/4/2008) (Entered: 02/08/2008)
02/04/2008	<u>14</u>	Proposed Order re <u>11</u> MOTION for Summary Judgment by E. K. Wade. (mcl, COURT STAFF) (Filed on 2/4/2008) (Entered: 02/08/2008)
02/05/2008	<u>8</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (bjt, COURT STAFF) (Filed on 2/5/2008) (Entered: 02/05/2008)
02/05/2008	<u>18</u>	CERTIFICATE OF SERVICE by E. K. Wade re <u>11</u> MOTION for Summary Judgment, <u>13</u> Exhibits, <u>14</u> Proposed Order, <u>10</u> Declination to Proceed Before a U.S. Magistrate Judge, <u>12</u> Declaration in Support (mcl, COURT STAFF) (Filed on 2/5/2008) (Entered: 02/11/2008)
02/06/2008	<u>9</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Charles R. Breyer for all further proceedings. Magistrate Judge Maria-Elena James no longer assigned to the case. Signed by Executive Committee on 2/6/08. (ha, COURT STAFF) (Filed on 2/6/2008) (Entered: 02/06/2008)
02/06/2008	<u>20</u>	Amended MEMORANDUM OF POINTS AND AUTHORITIES in